

SEP 27 2007

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

ROBERT LEE ODDS,

Petitioner - Appellant,

v.

JEAN HILL,

Respondent - Appellee.

No. 07-35228

D.C. No. CV-04-455-DCA

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Garr M. King, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges

Robert Lee Odds, an Oregon state prisoner, appeals the denial of his 28 U.S.C. § 2254 habeas corpus petition challenging an order of the Oregon Board of Parole and Post-Prison Supervision. He claims that the Board violated the Ex Post

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Facto Clause by applying administrative rules that did not require it to state a reason for denying a request to reopen a hearing. We dismiss the appeal as moot because Odds has been re-released on parole. *See Burnett v. Lampert*, 432 F.3d 996, 999-1000 (9th Cir. 2005).

DISMISSED.